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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,550	11/16/2003	Stacy Yarbrough	25001.00012	5071
7590 Steven Thrasher 391 Sandhill Dr. Richardson, TX 75080			EXAMINER GRILES, BETHANY L	
			ART UNIT 3643	PAPER NUMBER
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,550	YARBROUGH, STACY	
	Examiner	Art Unit	
	Bethany L. Griles	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas US 4504240.
3. Regarding claim 1, Thomas discloses a glove having an interior, exterior, and sleeve portion (col 1, lines 6-24); a pad having an exterior which is generally shaped like an animal (col 2, line 6); and an interior that is adapted to accept the glove; the pad accordingly disposed about the glove (col 2, lines 10-15); and a cover 14, 60, 62, 60, 64.
4. Regarding claim 2, Thomas discloses that the cover can be customized to resemble the appearance of a unique, specific pet selected by a user (col 2, lines 38-47).
5. Regarding claims 3 and 6, Thomas discloses the cover resembles an animal (fig 3).
6. Regarding claim 4, Thomas discloses that the sleeve portion 14 of the cover and glove cover a portion of the user's forearm (Fig 5 shows the user's hand partially inserted into the sleeve—if fully inserted, the sleeve would cover a portion of the user's forearm.).

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7. Regarding claim 5, Thomas discloses the sleeve portion of the cover is integrally molded with the sleeve portion of the glove (col 2, line 60-col 3, line 13).
8. Regarding claim 7, Thomas discloses the cover resembles a fictional character (see figs 2-4).
9. Regarding claim 8, Thomas discloses a soft, chew resistant tooth 46.
10. Regarding claim 9, Thomas discloses that the cover comprises a shaggy surface 54.
11. Regarding claim 10, Thomas discloses that the cover 14 slips over the pad (col 2, lines 60-68).
12. Regarding claim 12, Thomas discloses that the cover is one of a plurality of changeable covers (col 2, lines 38-47).
13. Regarding claim 13, Thomas discloses the cover is resiliently coupled to the pad (col 2, lines 66-67).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of DuPont et al. US5348510.
16. Regarding claim 11, Thomas does not disclose a tongue.

17. DuPont et al. disclose a tongue (fig 5g).
18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of DuPont et al. to the invention of Thomas, as a tongue is an obvious facial feature and would be well within the scope of one of ordinary skill in the art to include a tongue along with the multiplicity of other facial features (eyes, nose, teeth) already disclosed by Thomas.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leleu US 6672929; Budreck US 5830035; Whiteneck US 5975980; Holt US 6350169; Wright et al. US 6575808; Ostrar US 5738559; Sofia et al. US 5993285; Hitchcock US 5368518; Maddi US 5080626; Bairea US 4304065; Lemieux US 1641175; Siegel US 961812; Delhome WO 88/02272.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



blg

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